UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,733	06/28/2001	Brian J. Kamrowski	219.40059X00	3575

27510	7590	07/28/2004

KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
WASHINGTON, DC 20005

EXAMINER
SAIN, GAUTAM

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/892,733	KAMROWSKI ET AL.
	Examiner	Art Unit
	Gautam Sain	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 October 2003</u>.
2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-28</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-28</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1)   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1-1)   Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-28 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (ie., a computer) to produce a "useful, concrete and tangible" result.

For example, Claims 1, the "method," claim 13, the "apparatus," and claim 17, the "server" read on a mental construct/abstract idea or at best a computer program, per se. The language such as "HTML," "instructions when executed causing a computing device," "server device," etc., do not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claims 1-28 are interpreted as software per se, abstract ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

Claim Rejections - 35 USC § 112

2)   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2-1)   Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Regarding claim 9, The phrase "standard escape notation" is unclear. Please

expand for clarity.

Claim Rejections - 35 USC § 102

3)   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3-1)   Claims 1,2,3,4,5,6,11,12,13,14,15,16,17,18,19,24,25,26,27,28 rejected under

35 U.S.C. 102(b) as being anticipated by Unger et al (US 5991713, Nov 23, 1999).

Regarding claims 1, 13, 17, Unger teaches "accessing ... data" (ie., step 200

author identifies hypertext object ... HTML files ... compiler retrieves).

Unger teaches "simplifying ... during the simplification" (ie., compiler parses ...

compresses the text ...)(col 8, lines 40-53).

Unger teaches "encoding ... data," and "storing ... data"(ie., compiler parses ...

compresses ... Huffman)(ie., col 8, lines 35 – 53)(also, see section on col 8, line 55,

"Compression and Storage Methods").

Regarding claims 2, 15, 27, Unger teaches "transmitting ... access to the HTML

data" (ie., client requests ... remote server sends compiled information including

compressed text ... to the client)(col 13, lines 39 – col 14, line 35).

Regarding claims 3, 16, 28, Unger teaches "transmitting ... computing device" (ie., compressed text is sent from remote server to client)(col 14, lines 18-34).

Regarding claims 4, 14, 26, Unger teaches "HTML data ... web page" (ie., web page)(col 12, line 41).

Regarding claims 5, 18, Unger teaches "simplification ... space ..." (ie., white space)(col 10, lines 40-50).

Regarding claims 6, 19, Unger teaches "simplification ... HTML data" (ie., compression of text files ... encoding documents ... words or strings ...)(col 8, line 55 – col 10, line 67).

Regarding claim 11, Unger teaches "encoding ... Huffman ... HTML data" (col 8, line 52).

Regarding claim 12, Unger teaches "storing ... cache" (ie., cache with browser)(col 12, lines 45-50; fig 11, item 86, 88).

Claim Rejections - 35 USC § 103

4)   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4-1)   Claims 7, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Unger (as cited above), in view of Povilus (US 5740425, issued Apr 1998).

Regarding claims 7, 20, Unger does not expressly teach, but Povilus teaches

"simplification ... HTML data" (ie., normalizing SKU tables for catalogs; HTML data)(col

29, lines 30-55).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Unger to include normalizing tables for catalogs for HTML as taught

by Povilus, providing the benefit of compression of SGML/HTML data on the internet

(col 29, lines 30-55).

4-2)   Claims 8, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over

Unger (as cited above), in view of Chanod et al (US 6393389, filed Sep 1999).

Regarding claims 8, 21, Unger does not expressly teach, but Chanod teaches

"simplification ... HTML data" (ie., HTML tags formatted)(col 23, line 39)(ie., reorder

tokens)(col 20, lines 10-11)(ie., rewriting rules ... reorder entries)(col 24, lines 40-48).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Unger to include HTML tags formatted and rewriting rules to reorder

entries as taught in Chanod, providing the benefit of formatting information and logical

structure such as HTML tags (col 10, lines 14-17).

4-3)   Claims 9, 22 rejected under 35 U.S.C. 103(a) as being unpatentable over

Unger (as cited above), in view of Anderson et al (US US 6021202, issued Feb

2000).

Regarding claims 9, 22, Unger does not expressly teach, but Anderson teaches

"simplification ... escape notation" (ie., escape sequence ... ASCII formats)(col 19, lines

15-22).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Unger to include escape sequence as taught in Anderson, providing

the benefit of data compress (col 19, line 22) with HTML data (col 18, line 24).

4-4)   Claims 10, 23 rejected under 35 U.S.C. 103(a) as being unpatentable over

Unger (as cited above), in view of Burrows et al (US 5963954, issued Oct, 1999).

Regarding claims 10, 23, Unger does not teach, but Burrows teaches

"simplification ... HTML data into a single byte" (ie., abc word stored as one or more

bytes)(col 9, line 65 – col 10, line 2).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Unger to include storing words as one byte or more as taught in

Burrows, providing the benefit of compression of data structures (col 4, lines 33-40) in

extremely large and complex databases that are dispersed over millions of different

computers all over the world (col 1, lines 22-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gautam Sain whose telephone number is 703-305-

8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

G.S.

GS

JOSEPH FEILD

SUPERVISORY PATENT EXAMINER